

REMARKS

In order to expedite prosecution, claims 37-40 have been canceled without prejudice/disclaimer to the subject matter embodied thereby, rendering the rejections thereagainst moot.

Claims 1, 23-27 and 35 are objected to for a minor informality. It is respectfully submitted that the enclosed amendment obviates the alleged informality. Accordingly, it is respectfully requested that this objection be withdrawn.

Claims 1, 23-27 and 35 stand rejected under 35 U.S.C. § 112, first paragraph (enablement). This rejection is respectfully traversed for the following reasons.

Claim 1 recites in pertinent part, “a high dielectric constant film which is a hafnium oxide film or a hafnium aluminate film ... the high dielectric constant film contains nitrogen.” The Examiner alleges that such a feature is not supported by Applicants’ specification. As noted by the Examiner, page 13, lines 22-25 of Applicants’ specification discloses that:

... some other high dielectric constant film such as a hafnium silicate film or a hafnium aluminate film may be formed instead of the hafnium oxide film 106. Alternatively, the hafnium oxide film 106 or a high dielectric constant film as a substitute therefor may contain nitrogen.

The Examiner has taken the position that this disclosure is not sufficient to support claim 1. It appears that the Examiner has misinterpreted said disclosure.

Claim 1 embodies (1) a hafnium oxide film that contains nitrogen and/or (2) a hafnium aluminate film that contains nitrogen. The cited portion of Applicants’ specification expressly states that the “hafnium oxide film 106 ... may contain nitrogen.” This clearly supports embodiment (1).

The cited portion of Applicants' specification further states that "a high dielectric constant film as a substitute [for the hafnium oxide film] may contain nitrogen." Exemplary embodiments of the "substitute" for the hafnium oxide film is described in the first line of the cited portion as including "some other high dielectric constant film such as a hafnium silicate film or a hafnium aluminate film." This clearly supports embodiment (2).

Based on the foregoing, it is respectfully submitted that all pending claims are patentable over the cited prior art and are fully enabled by Applicants' specification. Accordingly, it is respectfully requested that the rejection under 35 U.S.C. § 112, first paragraph be withdrawn.

CONCLUSION

Having fully and completely responded to the Office Action, Applicants submit that all of the claims are now in condition for allowance, an indication of which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below. To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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